

B3 13. (Amended) A process according to claim 11, wherein the food product has a weight of 5 to 40 g and is bite-sized or a 2-3 bite sized piece.

B4 17. (Amended) A process according to claim 11, which further comprises forming a top portion of the filling into a dome to provide the appearance of an ice cream cone and providing a topping of chocolate, a confectionery coating, chopped nuts, candy pieces, raisins or any mixture thereof.

Please add the following claims:

B5 20. (New) The food product of claim 5, wherein the sugar wafer cone comprises 20 to 60 weight percent flour and a top portion of the filling is dome shaped to provide the appearance of ice cream.

sub C3 21. (New) The food product of claim 10, wherein the introducing comprises filling the shaped sugar wafer with molten, semi-liquid, or semi-solid mass.

REMARKS

Claims 1 and 3-19, as amended, and new claims 20-21 are pending for the Examiner's review and consideration. The title has been amended to more clearly refer to all the pending claims. Claim 10 has been amended to clarify that the sugar wafer is shaped before the filling is introduced. Claim 17 has been amended to further recite that the top portion of the filling is domed to give the appearance of an ice cream cone (*See, e.g.*, Specification at page 6, lines 15-16). Claim 20 has been added to recite a preferred embodiment with the amount of flour (*See, e.g.*, Specification at page 2, line 26) and to recite a food product having the domed feature as amended in process claim 17. Claim 21 has been added to recite that the molten, semi-liquid, or semi-solid mass is filled into the shaped sugar wafer (*See, e.g.*, Examples 1-3). No new matter has been introduced by any of the amendments herein, such that entry of the claims is warranted at this time.

Claims 3 and 13 were rejected under 35 U.S.C. 112, first paragraph, for the reason on page 2 of the Office Action. Claims 3 and 13 have been amended to remove the word "about," and full support for the weight range of 5 to 40 g exists in the Specification at page 3, line 35. Thus, this rejection has been overcome and should be withdrawn.

Claims 1 and 3-19 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent No. 5,709,898 to Biggs et al. ("Biggs") for the reasons on pages 2-3 of the